

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NATASHA HICKS,

Plaintiff,

v.

DOLLAR GENERAL MARKET, et al.,

Defendant.

Case No. 2:15-cv-00405-JAD-PAL

ORDER

(Mot. Ext. Time – Dkt. #7)

This matter is before the Court on Plaintiff Natasha Hicks's Motion to Extend Time (Dkt. #7). This motion is referred to the undersigned pursuant to 28 U.S.C. § 636(a) and LR IB 1-3 and 1-9 of the Local Rules of Practice.

Ms. Hicks is proceeding in this action *pro se* and *in forma pauperis*. On November 3, 2015, the Court entered a Screening Order (Dkt. #4) finding that Ms. Hicks' Complaint failed to state a valid claim. The Court allowed her until November 30, 2015, to file an amended complaint. The Order warned Ms. Hicks that a failure to file an amended complaint addressing the deficiencies explained by the Court would result in a recommendation to the District Judge that this case be dismissed. Ms. Hicks did not file an amended complaint, request an extension of time, or take any other action to prosecute this case. The Court therefore entered a Report of Findings and Recommendation (Dkt. #6), which recommended that the District Judge dismiss her Complaint.

On February 4, 2016, Ms. Hicks filed a Motion to Extend Time (Dkt. #7) requesting an extension of time to either respond to the Report of Findings and Recommendation (Dkt. #6) or file an amended complaint. Ms. Hicks states that she was never advised that she could request an extension of time to amend. The Court appreciates that it is difficult for *pro se* parties to litigate their claims; thus, Ms. Hicks is advised to familiarize herself with the Federal Rules of

1 Civil Procedure and the Local Rules of Practice for this Court. She may also be able to
 2 participate in the Federal Court Ask-A-Lawyer program sponsored by the Legal Aid Center of
 3 Southern Nevada.¹ The Court will vacate and withdraw the Report of Findings and
 4 Recommendation (Dkt. #6) and give Ms. Hick's until **May 13, 2016**, to amend her complaint.
 5 The Court warns Ms. Hicks, however, that if she fails to file an amended complaint by **May 13,**
 6 **2016**, the Court will submit another recommendation to the District Judge that this case be
 7 dismissed.

8 Additionally, Ms. Hicks is informed that the Court cannot refer to a prior pleading (*i.e.*,
 9 the original complaint) in order to make the amended complaint complete. Local Rule 15-1
 10 requires that an amended complaint be complete in itself without reference to any prior pleading.
 11 This is because, as a general rule, an amended complaint supersedes the original complaint.
 12 *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015); *Rhodes v. Robinson*,
 13 621 F.3d 1002, 1005 (9th Cir. 2010) (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967), and
 14 explaining, "when a plaintiff files an amended complaint, 'the amended complaint supercedes
 15 the original, the latter being treated thereafter as non-existent' "). Once a plaintiff files an
 16 amended complaint, the original pleading no longer serves any function in the case. *Ferdik v.*
 17 *Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Therefore, in an amended complaint, as in an
 18 original complaint, each claim and the involvement of each defendant must be sufficiently
 19 alleged. Thus, Ms. Hicks is advised to specifically identify each Defendant to the best of her
 20 ability, clarify what right she believes each Defendant has violated, and support each claim with
 21 factual allegations about each Defendant's actions. The Clerk of the Court will be instructed to
 22 mail Ms. Hicks a blank form complaint for employment discrimination claims.²

23 Accordingly and for good cause appearing,

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 26 ¹ Information about the Federal Court Ask-A-Lawyer program is available on the Legal Aid Center of
 27 Southern Nevada's website at <http://www.lacsn.org/what-we-do/ask-a-lawyer> or by calling 702-386-
 1070.

28 ² The Complaint for Employment Discrimination, Pro Se Form 7, is also available on the United States
 Courts' website at <http://www.uscourts.gov/forms/pro-se-forms/complaint-employment-discrimination>.

IT IS ORDERED:

1. The Report of Findings and Recommendation (Dkt. #6) is WITHDRAWN and SET ASIDE.
2. Plaintiff Natasha Hicks's Motion to Extend Time (Dkt. #7) is GRANTED. Ms. Hicks shall have until **May 13, 2016**, to file an amended complaint.
3. The Clerk of the Court shall mail Ms. Hicks one blank form complaint for employment discrimination actions along with the instructions for completing the form, one copy of the original Complaint (Dkt. #5), and one copy of the Screening Order (Dkt. #4).
4. Plaintiff shall have until **May 13, 2016**, to file her amended complaint if she believes she can correct the noted deficiencies. The amended complaint must be a complete document in and of itself and will supersede the original complaint in its entirety. Any allegations, parties, or requests for relief from prior papers that are not carried forward in the amended complaint will no longer be before the court.
5. Plaintiff shall clearly title the amended complaint as such by placing the words "FIRST AMENDED" immediately above "Complaint for Employment Discrimination" on page 1 in the caption, and Plaintiff shall place the case number, **2:15-cv-00405-JAD-PAL**, in the space for "Case No."
6. Plaintiff is warned that if she does not timely file an amended complaint in compliance with this Order, this case may be immediately dismissed.

Dated this 3rd day of March, 2016.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE